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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,640	07/15/2003	Hideki Sugiura	240356US0	5239

22850 7590 05/19/2006

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EXAMINER

NOTE, JANIS L

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/618,640	SUGIURA ET AL.	
	Examiner	Art Unit	
	Janis L. Dote	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 27 February 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other see the attached.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
 - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other see the attached.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

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Attachment: Notice of NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Only the corrected sections of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendment to the specification" section and "Amendment to the drawings" section of applicants' amendment document filed on Feb. 27, 2006, must be resubmitted. 37 CFR 1.121(h).

The "Amendment to the specification" section filed on Feb. 27, 2006, does not comply with 37 CFR 1.121 for the following reasons:

Item C: The deletion of the paragraph beginning at page 34, line 25, does not comply with 37 CFR 1.121(b) because the text of the deleted paragraph should not be presented with strike-through.

37 CFR 1.121(b)(1)(iv) states "[t]he text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end of the paragraph, if needed for paragraph identification purposes" (emphasis added).

The "Amendment to the drawings" section filed on Feb. 27, 2006, does not comply with 37 CFR 1.121 for the following reason:

Item A: The drawings filed on Feb. 27, 2006, are not in

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compliance with 37 C.F.R. 1.121(d), because they are improperly labeled as "Replacement drawings." They should be properly identified in the top margin as "Replacement Sheet," as required under 37 C.F.R. 1.121(d).

Item C: The statement "Figure 7 has been cancelled" is not in compliance with 37 CFR 1.121(d) because applicants did not file a marked-up copy of the drawing sheet, labeled as "Annotated Sheet," showing that the drawing, i.e., Figure 7, has been cancelled.

MPEP 608.02(t) states that "[i]f a drawing figure is cancelled, a replacement sheet of drawings must be submitted without the figure (see 37 CFR 1.121(d)). If the cancelled drawing figure was the only drawing on the sheet, then only an annotation showing that the drawing has been cancelled is required. The marked-up (annotated) copy must be clearly labeled 'as Annotated Sheet' and must be presented in the amendment or remarks section of the amendment document which explains the changes to the drawings (see 37 CFR 1.121(d)(1)" (emphasis added).

As stated in the office action mailed on Oct. 26, 2005, paragraphs 5 and 6, corrected drawing sheets in compliance with 37 CFR 1.121 are required in reply to the office action to avoid abandonment of the application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Mr. Nam Nguyen, can be reached on (571) 272-1342. The central fax phone number is (571) 273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD
May 12, 2006

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1706